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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/994,943

11/28/2001

Satoru Okada

723-1221

7266

27562

7590

06/02/2005

NIXON & VANDERHYE, P.C.  
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ARLINGTON, VA 22203

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT

PAPER NUMBER

2675

DATE MAILED: 06/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/994,943	OKADA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Motilewa A. Good-Johnson	2675	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-25 and 30-39 is/are allowed.
- 6) ☒ Claim(s) 26-29 and 40-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

1. This office action is responsive to the following communications: Application, filed 11/28/2001; IDS, paper #5, filed 03/27/2002.
2. Claims 1-11 are pending in this application. Claims 1 and 9-11 are independent claims.
3. The present title of this application is "Image Processing Apparatus and Display Control Method" (as originally filed).

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claim 26 is rejected under 35 U.S.C. 102(e) as being anticipated by Asano, U.S. Patent Number 6,351,291, "Image Processing Apparatus for an On-Screen-Display which Displays one Image over Another Image", class 348/564, 02/26/2002, filed 03/29/2000.

Regarding claim 26, Asano discloses a hand-held image display apparatus comprising: processing circuitry (figure 1, element 2) for executing one or more functions; first and second memories (figure 1, elements 3 and 4, frame memory and

input buffer memory) each for storing image data; and a display controller (figure 1, element 5, frame controller, which Examiner interprets as a display controller) for generating a display comprising a non-composite display portion based on contents of one or the other of the first and second memories and a composite display portion based on a composite of contents of both the first and second memories (col. 3, lines 17-29)

6. Claims 40-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Okumura et al., "Display Device", class 345/98, 08/31/1999.

Regarding claim 40, Okumura discloses an image display method comprising: storing binary image data relating to a first processing function in a first memory (col. 27, lines 5-15, lines 27-28); selectively storing color image data relating to either to the first processing function or to a second processing function in a second memory (col. 27, lines 15-17, coordinate data given by a pen, which Examiner interprets as a second processing function); generating a display comprising a composite display portion based on a composite of contents of both the first and second memories (col. 27, lines 38-51)

Regarding claim 41, Okumura discloses wherein the generated display further comprises a non-composite display portion based on contents of one or the other of the first and second memories (figure 27)

Regarding claim 42, Okumura discloses comprising processing circuitry for implementing the method according to claim 40 (col. 27, lines 5-50)

Regarding claim 43, Okumura discloses embodied as a hand-held image processing apparatus (col. 25, lines 31-32, pen-input display device, the Examiner takes official notice that many hand-held image processing apparatus are of the pen-input display type)

Regarding claim 44, Okumura discloses embodied as a hand-held wireless communication apparatus (col. 25, lines 31-32, pen-input display device, the Examiner takes official notice that many wireless communication apparatus image processing apparatus are of the pen-input display type, i.e. palm pilots)

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Asano as applied to claim 27 above, and further in view of Okumura.

Regarding claim 28, it is noted that Asano fails to disclose wherein the image data stored in the first memory comprises one-bit image data and the image data stored in the second memory comprises multi-bit image data.

Okumura discloses a display device, which has two memories in which one may display a shade of gray or color information (which Examiner interprets as one-bit image data for displaying a shade of gray either on or off, and multi-bit image data as color information and RGB bit data, i.e. multi-bit image data) col. 5, lines 4-21.

It would have been obvious to one of ordinary skill in the art at the time of the invention to include in the multiple memory device as disclosed in Asano, one-bit image data and multi-bit image data as disclosed in Okumura, to reduce display time for a display device and provide for display switching at a high rate by providing a display device which stores multiple images in multiple formats in different memories to be accessed.

Regarding claim 29, however, it is noted that both Asano and Okumura fail to disclose embodied as a portable communication terminal. However, the Examiner takes official notice that the invention of Okumura discloses a display device and many portable communication terminals include a display for viewing information)

***Allowable Subject Matter***

9. Claims 1-25 and 30-39 are allowed.
10. Claim 27 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

11. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited fails to render obvious enabling the writing means depending on whether a function is turned on or off, communication function and a game function.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is (571) 272-7658. The examiner can normally be reached on Monday, Tuesday and Thursday 9:00 AM - 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Motilewa A. Good-Johnson  
Examiner  
Art Unit 2675

mgj

  
**SUMATI LEFKOWITZ**  
SUPERVISORY PATENT EXAMINER